

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**VALERIE W. WAKEFIELD and
HAROLD I. WAKEFIELD, husband and
Wife,**

Plaintiffs,

v.

**JOY MINING MACHINERY
COMPANY, a division of Harnischfeger
Industries, and LARRY MEADE,**

Defendants.

: CIVIL DIVISION
:
: Civil Action No. 05 CV 79 - Erie
:
: Honorable Maurice B. Cohill, Jr.
:
: JURY TRIAL DEMANDED
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**MOTION FOR EXTENSION OF DISCOVERY DEADLINES
AND/OR MODIFICATION OF SCHEDULING ORDERS**

1. This is the Plaintiffs' first request for an extension of discovery deadlines and/or a modification of the Initial Scheduling Order.
2. The Defendant has requested and received a 30-day discovery extension.
3. A copy of the Court's Initial Scheduling Order and any subsequent Orders are attached as Exhibit "A".
4. During the original discovery period, the following have taken place:
 - a. The following depositions were taken on the dates set forth below:
 - i. By Plaintiff:

September 20, 2006:	Larry Meade Johan Maritz Diane Kemick
September 21, 2006:	Cornelia Adams Tom O'Neil Jill Saylor

Bob Dahl
Ellie Averill
Cecil Cassatt
Debbie Lajeunesse

ii. By Defendant:

September 14, 2006	Harold Wakefield
September 15, 2006	Valerie Wakefield

b. Motions to produce documents were served on the dates set forth below:

i. By Plaintiff:

July, 2006

ii. By Defendant:

May, 2006

c. Interrogatories were served on the dates set forth below:

i. By Plaintiff:

July, 2006

ii. By Defendant:

May, 2006

5. Plaintiffs seek an extension of discovery deadlines or modification of the Initial Scheduling Order for the reasons set forth below:

The depositions taken on September 20 and 21, produced the names of additional witnesses, namely Judy Peterson, Linda Brown, Louise Reitz, Alma Matthews Johnston and Diane Ace the Plaintiffs would like to have a chance to interview and/or depose.

6. If this motion is filed by only one of the parties:

- a. The movant has discussed this request with opposing counsel;
- b. Opposing counsel consents to the extension.

7. The specific request for extension is set forth below:
 - a. Fact Discovery shall close on November 10, 2006.
 - b. Plaintiffs' Rule 26(a)(2) expert disclosures are due no later than November 20, 2006; Plaintiff's expert reports shall be filed by November 20, 2006. Expert depositions of Plaintiffs' expert shall be completed by December 20, 2006. Defendant's Rule 26(a)(2) expert disclosures are due no later than December 20, 2006. Defendant's expert reports shall be filed by December 20, 2006. Expert depositions of Defendant's experts shall be completed by January 20, 2007.
8. The proposed amended case management order is attached.
9. If the motion is granted, the movant will complete the following discovery within the extended discovery period:
 - d. Additional witnesses Judy Peterson, Linda Brown, Louise Reitz, Alma Matthews Johnston and Diane Ace will be contacted and interviewed. If depositions are warranted, they will be held prior to November 10, 2006.
10. Movant understands that absent some extraordinary, unavoidable and unforeseeable circumstances, no further extensions for discovery will be granted and the case will proceed to disposition.

Respectfully submitted:

THE LINDSAY LAW FIRM, P.C.

s/ Alexander H. Lindsay, Jr.
Attorney for Plaintiffs